



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202 – 2733

AUG 11 2017

Mr. Larry Dominguez
Chair
New Mexico Water Quality Control Commission
P.O. Box 5469
Santa Fe, NM 87502

RE: New Mexico 2013 Triennial Revisions to 20.6.4 NMAC

Dear Mr. Dominguez:

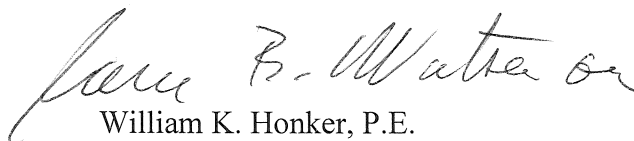
I am writing in regards to the U.S. Environmental Protection Agency's (EPA's) review of revisions to New Mexico's *Standards for Interstate and Intrastate Surface Waters* 20.6.4 New Mexico Administrative Code (NMAC), which were effective for state purposes on March 2, 2017, and submitted by the New Mexico Water Quality Control Commission for EPA review on March 14, 2017 ("the 2013 Triennial Revisions"). Subsequent to EPA's June 8, 2017 action on the state's revised water quality standards (WQS), EPA discovered that the Commission had not approved amendments that we believed had been adopted, and as a result is revising its action.

In making our initial determination, EPA believed the Commission had approved use and supporting criteria changes for segments 20.6.4.103, 116, 124, 204, 206, 207, 213, 219, and 308 NMAC. As a result, our June 8, 2017 approval included these proposed revisions. EPA has subsequently learned that these proposed modifications were not approved by the Commission and therefore never became New Mexico regulation. Under federal regulations at 40 C.F.R. §§ 131.5 and 131.21, EPA must review officially adopted revisions to state WQS. Because these proposed revisions were not officially adopted by the Commission, these provisions are not approved by EPA and not effective for CWA purposes. See 40 CFR §131.21(c), which states that state WQS are not effective for CWA purposes unless and until approved by EPA.

Section II of the enclosed amended Technical Support Document (TSD) details EPA's actions pursuant to CWA §303(c) and its implementing regulations at 40 CFR Part 131 concerning these segments and supersedes the TSD that accompanied our June 8, 2017 action. The TSD has also been amended to clarify the applicability of aluminum criteria. There are no other changes to our June 8, 2017 action. Please be advised that EPA is not taking any action on the new or revised WQS for those waters or portions of waters located in Indian Country, as defined in 18 U.S.C. § 1151.

We appreciate the collaborative effort by the Surface Water Quality Bureau to complete the triennial review process. If you have any questions or concerns, please contact me at (214) 665-7101, or have your staff contact Russell Nelson at (214) 665-6646.

Sincerely,



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Director
Water Division

cc: Pam Castaneda
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